



Linda S. Adams
Secretary for
Environmental Protection

California Regional Water Quality Control Board North Coast Region

John W. Corbett, Chairman

www.waterboards.ca.gov/northcoast

5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135



Arnold
Schwarzenegger
Governor

May 29, 2007

In the Matter of Water Quality Certification

for the

AR DEVELOPMENT, LLC, ROSEN RANCH PROJECT, WDID NO. 1B06075WNSO

APPLICANT:	AR Development, LLC
RECEIVING WATER:	Laguna de Santa Rosa
HYDROLOGIC UNIT:	Laguna de Santa Rosa Hydrologic Subarea 114.21
COUNTY:	Sonoma
FILE NAME:	Rosen Ranch Project

BY THE EXECUTIVE OFFICER:

1. On May 25, 2006 Mr. Geoff Thomas, of Monk and Associates filed an application on behalf of the AR Development, LLC (Applicant) for water quality certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with the Rosen Ranch Project. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on April 30, 2007, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.
2. The project involves the construction of a seven lot single-family home subdivision and associated infrastructure. The project is located at 8830 Old Redwood Highway in Cotati. APN 046-231-043.
3. The 1.37 acre site currently has a single family residence, house trailers, a large barn, and various parking areas. To the west and south of the project area there are "ranchette"-type developments with larger lots. To the immediate north and east of the site are high density developments. Work for the project will begin with the removal of existing buildings and infrastructure. Grading will begin with the creation of swales and building slabs. Grading will result in the loss of waters of the United States. Work will consist of standard construction techniques.

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4. The total area of fill to waters of the state and U.S. associated with the proposed project will be 0.003 acres, or 155 square feet. Construction is expected to begin in as soon as permits are obtained, estimated to be June 2007 and last until October 2007.
5. Non-compensatory mitigation measures include the applicant's implementation of erosion control best management practices (BMPs) during construction. The applicant will install straw wattles, silt fencing, and other suitable erosion control BMPs to reduce sediment discharge. All exposed soils will be hydro-seeded in late September to mid October.
6. Post construction stormwater will be treated by conveyance through vegetated bio-swales before being discharged to the existing City of Cotati storm drain system. All roof leaders will be disconnected from the storm drain system, instead discharging to vegetated areas. All post construction stormwater management shall be completed as outlined in the Storm Water Mitigation Plan.
7. Compensatory mitigation has been completed through the purchase of 1.2-acres of California Tiger Salamander habitat creation credit as well as the purchase of 0.05-acres of wetland creation credit.
8. The applicant has applied for a United States Army Corps of Engineers Nationwide Permit 39, file number 30111N.
9. The applicant has applied for a California Department of Fish and Game 1602 Streambed Alteration Agreement (Pending).
10. On December 4, 2006, the City of Cotati adopted a mitigated negative declaration (SCH No.2006112022) for the project in order to comply with CEQA. The Regional Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment

Receiving Water: Laguna de Santa Rosa in the Russian River Hydrologic Unit No. 114.00.

Filled or Excavated Area: Area Permanently Impacted: 0.003 (155 square feet)

Latitude/Longitude: 38.317136° N/-122.694969° W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the AR Development, LLC Rosen Ranch Project (WDID No. 1B06075WNSO), as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that AR Development, LLC complies with the following terms and conditions:

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1. This certification action is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 2200, and owed by the applicant.
4. The Regional Water Board shall be notified in writing at least five working days (working days are Monday – Friday) prior to the commencement of ground disturbing activities, with details regarding the construction schedule, in order to allow staff to be present onsite during construction, and to answer any public inquiries that may arise regarding the project.
5. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area. No rubbish shall be deposited within 150 feet of the high water mark of any stream.
6. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities or any other project activities that could result in erosion or sediment discharges to surface water.
7. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.
8. A copy of this Order shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.
9. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented.

The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.

10. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete the project.
11. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer.
12. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.
13. The Russian River watershed is identified on the State of California Clean Water Act Section 303(d) list as impaired for sediment and temperature. Total Maximum Daily Load (TMDL) analyses have not been completed for the Russian River watershed sediment and temperature listings. Activities that impact the riparian zone and riparian vegetation are identified as sources contributing to increased stream temperatures. If a TMDL implementation plan is adopted prior to the expiration date of this Order, the Regional Water Board may revise the provisions of this Order to address actions identified in such action plans.
14. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.
15. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.
16. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable State or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to a suspected violation of any condition of this certification, the Regional Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable

relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

17. In the event of any change in control of ownership of land presently owned or controlled by AR Development, LLC, AR Development, LLC shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, and the address and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must also describe any changes to the project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the project as described in this Order.

18. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the applicant's project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).
19. The authorization of this certification for any dredge and fill activities expires on October 15, 2011. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

If you have any questions or comments please contact Stephen Bargsten at (707) 576-2653 or at sbargsten@waterboards.ca.gov.

Catherine E. Kuhlman
Executive Officer

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Original to: Mr. Rex Cummins, Sonoma County DTPW, 2300 County Center Drive,
Suite B100, Santa Rosa, CA 95403

Copies to: Mr. Goeff Thomas, Monk and Associates, 1136 Saranap Avenue,
Suite Q, Walnut Creek, CA 94595
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions,
1455 Market Street, San Francisco, CA 94103-1398